

DCF 251

Licensing Rules for Group Child Care Centers

Training for providers on the
January 1, 2009
licensing rule revisions

1/16/09

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A Message
From
Dan Harris,
Administrator of the Division of
Early Care and Education

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General Items

- The rule number changed from HFS 46 to DCF 251. Numbering within the rule remains the same, except as noted in presentation.
- New rule books (red cover) will be sent to providers and additional copies will be available for purchase.
- Rules became effective on Jan 1, 2009 although some rules have a delayed effective date specified in the rule.
- If you have any questions, please talk with your licensing specialist.

Operational Requirements

DCF 251.04 (2) (i) – Policies will need review and may require updating. Submit additions/revisions to licensing specialist at license continuation along with the revised policy checklist (available on the website).

- NEW POLICY REQUIRED - Transportation policy required if center will provide transportation either on a regular basis or on field trips.

DCF 251.04 (3) Reports – If a report is phoned in, it must be followed up with written report in 5 business days.

- Injuries or incidents that occur while the child is in the care of the center and result in a child being seen by a medical professional must be reported to the licensing specialist.
- New requirement – confirmed case of a reportable communicable disease must also be reported to licensing specialist. A list of communicable diseases that must be reported is available from the Child Care Information Center at 1-800-362-7353.
- New report – any change in meal preparation arrangements or transportation services at least 5 calendar days before the change.

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- (i) Develop, submit to the department for approval and implement as approved written policies and plans, consistent with the requirements of this chapter, on the following subjects:
9. Transportation, if the center will transport children either on field trips or on a regular schedule. The policy shall include a procedure to ensure that no child is left unattended in a vehicle.
- (3) REPORTS.** The licensee shall report to the department all of the following. If the report is made by telephone, the licensee shall submit a written report to the appropriate regional licensing office within 5 business days of the incident. Fax, e-mail, and letter are acceptable ways of filing a written report:
- (a) Any death of a child in the care of the center or any incident or accident that occurs while the child is in the care of the center that results in an injury that requires professional medical treatment within 48 hours of the licensee becoming aware of the medical treatment.
 - (m) Any confirmed case of a communicable disease reportable under ch. HFS 145 in a child enrolled at the child care center or a person in contact with children at the center within 48 hours.
 - (n) Any change in meal preparation arrangements or transportation services at least 5 calendar days before the change. Centers adding meal preparation after an initial license has been issued shall document compliance with building codes related to kitchens before beginning to prepare meals on the premises.

Operational Requirements continued

DCF 251.04 (5) Staff Records

- Registry Certificates are required by 4/1/09 for all administrators, center directors and teachers regardless of when they were hired. New staff have 3 months to obtain a Registry Certificate.
- Need to keep documentation of day and hours worked when a person is counted in the staff-to-child ratio.

DCF 251.04 (6) (b) Daily Attendance Recording

- Group Child Care Centers must record a child's daily attendance. The department-provided Daily Attendance Record form is available if centers would like to use it.
- Attendance reports must be current and accurate.

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(5) STAFF RECORDS.

- (a) The licensee shall maintain a file on each employee which is available for examination by the licensing representative at the center. An employee's file shall include all of the following:

5. A certificate from The Registry documenting that the person has met the educational qualifications for the position if the person has worked as a teacher, director or administrator at the center for at least 3 months. A copy of an educator's license issued by the department of public instruction as a teacher may substitute for a certificate from The Registry. For persons not required to have a Registry certificate including assistant teachers and a teacher, center director or administrator who has not worked for the center for more than 3 months, documentation of the person's educational qualifications shall be on file. See also DCF 251.05 (1)(i).

(6) CHILDREN'S RECORDS.

- (a) The licensee shall maintain a current written record obtained prior to the child's first day of attendance or subsequent re-enrollment at the center on each child enrolled and shall make the record available to the licensing representative on request. Each record shall include all of the following:
- (b) The licensee shall maintain a current, accurate written record of the daily attendance and date of birth of each child for the length of time the child is enrolled in the program. The actual time of arrival and departure for each child shall be recorded if hours of arrival and departure vary among children.

DCF 251.05 Staffing

- Entire section has been redone. This section of the rules now looks different from the previous rule.
- No changes to qualifications for administrators, teachers and assistant teachers.
- Changes to center director qualifications are indicated on slides 7 and 8.
- Changes to training requirements for substitutes and volunteers are addressed on slides 9 and 10.
- CPR training must include training in the use of an Automated External Defibrillator (AED). The training must be taken through an agency approved to offer CPR by the Department of Health Services. Training through an approved agency is required the next time a person renews their CPR certificate. A link to the list of approved agencies is on the Department's website.

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DCF 251.05 Staffing.

(1) RESPONSIBILITIES AND QUALIFICATIONS OF STAFF.

- (c) *Cardiopulmonary resuscitation training.* All employees in regular contact with children shall obtain and maintain a current certificate of completion for infant and child cardiopulmonary resuscitation and automated external defibrillator use from an agency approved by the department within 6 months after beginning to work with children. Volunteers included in determining staff-to-child ratios shall obtain a certificate of completion in infant and child cardiopulmonary resuscitation after volunteering for 240 hours. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours.

Center Director qualifications Center 50 or fewer children

- Current requirement of 2 courses in early childhood education before assuming the position remains.
- In addition, the new rules require one course in the Wisconsin Child Care Administrator Credential by 1/1/10 or one year after assuming the position.
- Persons holding a AA or BA/BS degree in early childhood education are exempt from the requirement for an additional course, as are persons who are at Registry Level 12 or above.

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(e) *Center director.*

1. The licensee may act as the center director. If the licensee does not act as center director, the licensee shall designate a person or persons to be the center director for each center location.
2. The center director shall be responsible for the supervision of the planning and implementation of the center's program for children, the supervision of staff at the center, staff meetings and orientation and continuing education for the staff.
3. A center director shall be employed on one of the following schedules:
 - a. At least 10 hours a week for the exclusive purpose of carrying out center director responsibilities in a single full-day center location licensed for 50 or fewer children.
 - b. At least 20 hours a week for the exclusive purpose of carrying out center director responsibilities in a single full-day center location licensed for 51 or more children.
4. A center director for a program licensed to serve 50 or fewer children shall:
 - a. Be at least 21 years of age.
 - b. Have completed high school or its equivalent as determined by the Wisconsin department of public instruction.
 - c. Have at least 80 full days or 120 half days of experience as a teacher or assistant teacher in a licensed child care center or other approved setting.
 - d. Prior to beginning to work as a center director have completed at least one of the following training requirements.
 - i. Two non-credit department-approved courses in early childhood education and within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent.
 - ii. Two courses for credit in early childhood education and within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent.
 - iii. Forty eight credits from an institution of higher education with at least 3 credits in early childhood education and within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent.
 - iv. A certificate from The Registry indicating the person is on Registry Level 12 or above.
 - v. A one-year child care diploma from an institution of higher education.
 - vi. An associate degree in early childhood education or child care from an institution of higher education.
 - vii. Child development associate (CDA) credential issued by the council for early childhood professional recognition and within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent.
 - viii. A bachelor degree from an institution of higher education in early childhood education or child development or a license from the Wisconsin department of public instruction to act as a kindergarten, pre-kindergarten or early childhood (regular or special education) teacher.

Center Director Qualifications Center with 51 or more children

- Current requirements for 4 courses in early childhood education before assuming the position remain. 2 of those courses could be from the Wisconsin Child Care Administrator Credential.
- In addition, the new rules require that a center director in a large center earn the full Child Care Administrator Credential by 1/1/12 or within 3 years of assuming the position.
- Persons holding an AA degree or a BA/BS degree in early childhood education are exempt from the requirement for the Administrator Credential, as are people who are at Registry Level 14 or above.

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(e) *Center director.*

1. The licensee may act as the center director. If the licensee does not act as center director, the licensee shall designate a person or persons to be the center director for each center location.
2. The center director shall be responsible for the supervision of the planning and implementation of the center's program for children, the supervision of staff at the center, staff meetings and orientation and continuing education for the staff.
3. A center director shall be employed on one of the following schedules:
 - a. At least 10 hours a week for the exclusive purpose of carrying out center director responsibilities in a single full-day center location licensed for 50 or fewer children.
 - b. At least 20 hours a week for the exclusive purpose of carrying out center director responsibilities in a single full-day center location licensed for 51 or more children.
5. A center director for a program licensed to serve 51 or more children shall:
 - a. Be at least 21 years of age.
 - b. Have completed high school or its equivalent as determined by the Wisconsin department of public instruction.
 - c. Have at least 2 years of experience as a child care teacher or center director in a licensed child care center or other approved setting.
 - d. Prior to beginning to work as a center director have completed one of the following training requirements.
 - i. Four non-credit department-approved courses in early childhood education or its equivalent and within 3 years of assuming the position the Wisconsin Child Care Administrator Credential. Up to two courses in the Wisconsin Child Care Administrator may be used to meet the early childhood education requirement, if taken prior to beginning to work as a center director.
 - ii. Four courses for credit in early childhood education from an institution of higher education and within 3 years of assuming the position, the Wisconsin Child Care Administrator Credential. Up to two courses in the Wisconsin Child Care Administrator Credential may be used to meet the early childhood education requirement, if taken prior to beginning to work as a center director.
 - iii. An associate degree in early childhood education or child care from an institution of higher education.
 - iv. A bachelor degree in early childhood education from an institution of higher education or a license from Wisconsin department of public instruction to act as a kindergarten, prekindergarten or early childhood (regular or special education) teacher.
 - v. A certificate from The Registry indicating the person is on Registry Level 14 or above.

Substitute qualifications

- DCF 251.03 (29g) defines a substitute as a person who replaces a regularly scheduled child care worker and meets the requirements under DCF 251.05 (1) (j).
- A substitute must be enrolled in or complete at least 1 non-credit, department-approved course in early childhood education before completing 240 hours of substituting in a center.
- Substitutes must have completed orientation and if working with children under age 5, training in Shaken Baby Syndrome Prevention prior to working as a substitute.

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(j) *Substitutes.*

1. When a regular required staff member is absent from a center, there shall be a substitute who is at least 18 years of age.
2. A substitute who is employed by the same licensee for more than 240 hours shall obtain at least one non-credit, department approved course or be currently enrolled in training to meet this requirement before completing 240 hours of work as a substitute. A substitute who provides care and supervision to children under age 5 shall have completed department-approved training in shaken baby syndrome as specified under par. (b) before working with children.
3. The center director or designee shall maintain a record of the days and hours worked by each substitute child care worker.

Volunteer qualifications

- Volunteers counted in staff-to-child ratios need to be enrolled in or have completed one course in early childhood education before completing 240 hours of volunteer time.
- Volunteers counted in staff-to-child ratios must have orientation and training in Shaken Baby Syndrome prevention before volunteering.
- Volunteers not counted in staff-to-child ratios must complete training in child care programming and procedures before working with children. Components of the training are specified in the rule [DCF 251.05 (1) (k) 3.]

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(k) *Volunteers and student teachers.*

1. Volunteers and student teachers shall participate in the orientation required under sub. (2)(a).

2. A volunteer who is used to meet staff-to-child ratios shall obtain at least one noncredit, department-approved course or be currently enrolled in training to meet this requirement before completing 240 hours of work as a volunteer. A volunteer who provides care and supervision to children under age 5 shall have completed department-approved training in shaken baby syndrome as specified under par. (b) before working with children.

Note: *Introduction to the Child Care Profession* is the non-credit course approved by the department to meet this requirement.

3. A volunteer who is not used to meet staff to child ratios shall have training in child care programming and procedures before working with children. The training shall include the responsibilities of the volunteer, general child supervision techniques, a review of the daily schedule and general health and safety practices including meal or snack preparation, dishwashing, toileting, personal hygiene and emergency evacuation procedures. This includes volunteers working in a center operated by a parent cooperative.

4. The center director or designee shall coordinate the volunteer program and keep on file documentation of the hours worked by volunteers who are used to meet staff to child ratios.

5. Student teachers who are not employed by the child care center may not be used to meet the staff to child ratios during the time the person is working as a student teacher.

Supervision requirements

- Assistant child care teachers must be at least 18 years of age and have completed the required training before being left alone with children for the opening and closing 2 hours of a center's hours of operation.
- Maximum group size for children aged 5 years has been increased to 34 children.
- Maximum group size for children age 6 and above has been increased to 36 children.

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(3) SUPERVISION.

(b) Assistant child care teachers who are at least 18 years of age and have completed the training required for the position may provide sole supervision to a group of children in full-day centers for opening and closing hours, not to exceed the first 2 hours and the last 2 hours of center operation.

TABLE DCF 251.05-D

MAXIMUM GROUP SIZE AND MINIMUM NUMBER OF
CHILD CARE WORKERS IN GROUP DAY CARE CENTERS

Age of Children	Minimum Number of Child Care Workers to Children	Maximum Number of Children in a Group
Birth to 2 Years	1:4	8
2 years to 2 1/2 Years	1:6	12
2 ½ Years to 3 Years	1:8	16
3 Years to 4 Years	1:10	20
4 Years to 5 Years	1:13	24
5 Years to 6 Years	1:17	34
6 Years and Over	1:18	36

Physical Plant

DCF 251.06 (2)(a) Indoor and Outdoor Hazards

- Recalled products are considered a hazard. Licensees are encouraged to obtain lists of recalled products from the WI Dept. of Ag., Trade and Consumer Protection or the US Consumer Products Safety Commission. Licensing staff will not conduct a detailed review of equipment and materials to determine whether any items have been recalled. It is the center's responsibility to ensure that they know what products have been recalled and remove them from areas used by children.

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(2) PROTECTIVE MEASURES.

(a) The indoor and outdoor premises shall be free of hazards including any recalled products.

Note: Lists of recalled products are available on the department of agriculture, trade and consumer protection website at

<http://datcp.state.wi.us/core/consumerprotection/consumerprotection.jsp> or by contacting the united states consumer products safety commission (US CPSC) at 1-800- 638-2772.

Physical Plant continued

DCF 251.06 (4) (j) Fire alarms, alarm systems and smoke detectors

- Programs that have smoke detectors or fire alarms (pull stations or individual alarms) must test the detectors or alarms weekly.
- Programs that have a fire alarm system (i.e. sprinklers) do not usually have individual stations or alarms. A program with a fire alarm system must have documentation that the system is being monitored to ensure that it is operational. This documentation could be a copy of a contract with a monitoring company or some other method of documentation from the monitoring agency.
- When conducting the monthly fire drills in a building that has an alarm system, a signaling device must be used. The signaling device could be an audible signal generated by the alarm system or a battery-operated smoke detector. In buildings with smoke detectors or fire alarms the building signaling device must be used to conduct the drills.

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(4) FIRE PROTECTION.

(j) Fire alarms, alarm systems and smoke detectors shall be maintained in good working order. Fire alarms and smoke detectors shall be used to conduct monthly fire evacuation drills. Fire alarms and smoke detectors shall be tested weekly and a record kept of the test results.

Physical Plant continued

DCF 251.06 (9) (b) 4. and 5. Dishwashers

- Commercial dishwashers have a temperature gauge on the outside of the dishwasher. Home-type dishwashers do not have a gauge on the outside. If there is no temperature gauge on the outside of the dishwasher the dishwasher is considered home-type.
- Dishes washed in a commercial dishwasher are sanitized by the use of a chemical sanitizer in the rinse cycle or by heat. Dishes washed in a commercial dishwasher do not need to be soaked for 2 minutes in bleach or other approved sanitizer.
- Dishes washed in a home-type dishwasher must be sanitized by soaking for 2 minutes in bleach or other approved sanitizer.

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(9) KITCHENS.

(b) *Dishwashing procedures.*

4.a. If a center uses a commercial dishwasher to clean dishes and utensils, *the* dishwasher shall have a readily visible temperature gauge located in the wash compartment. If the dishwasher is a spray type or immersion type dishwasher, a temperature gauge shall also be located in the rinse water line.

b. Wash at 130 degrees Fahrenheit to 150 degrees Fahrenheit for at least 20 seconds, using an effective cleaning agent, and rinse and sanitize at 180 degrees Fahrenheit for 10 seconds or more, using an automatic rinse injector.

c. When using a spray-type dishwashing machine, the dishes and utensils shall be washed, rinsed and sanitized in the dishwasher according to the manufacturer's operating instructions. A chemical sanitizer shall be used in the final rinse.

Physical Plant continued

DCF 251.06 (11) (b) 7. Permanent Enclosure on Outdoor Play Space

- All centers are required to have a permanent enclosure that is at least 4 feet high around the on-premises play space. The enclosure could be a fence, landscaping or plants. If no permanent enclosure in place as of 1/1/09, talk with your licensing specialist. A licensee will have until 1/1/10 to provide an enclosure.
- The enclosed area must contain the minimum amount of square footage of play space as determined by licensed capacity of the center and specified in the rule.
- Talk with your licensing specialist if you currently do not have a permanent enclosure. The licensing specialist will have materials available that can help you decide what type of permanent enclosure will meet the requirements of the rule.

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(11) OUTDOOR PLAY SPACE.

(a) Requirement for outdoor play space.

7. The boundaries of the outdoor play space shall be defined by a permanent enclosure not less than 4 feet high to protect the children. Fencing, plants or landscaping may be used to create a permanent enclosure.

Program

DCF 251.07 (3) (f) Trampolines and Inflatable bounce surfaces may not be accessible to children and may not be used by children in care.

DCF 251. 07 (5) (a) 6m. When parents provide snacks for all children in a classroom or the center, the center must post a record of the snack served in an area accessible to parents.

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(3) EQUIPMENT.

(f) Trampolines and inflatable bounce surfaces on the premises shall not be accessible to children and shall not be used by children in care.

(5) MEALS AND SNACKS.

(a) *Food.*

6m. When snacks are provided by parents for all children, a record of the snack served shall be posted in an area accessible to parents.

Program continued

DCF 251.07 (6) (g) 5. and 6. **Medication**

- Medications must be administered as directed on the label and authorized by the parent.
- If medication is stored at the center, there must be a current authorization from the parent on file. If no current authorization, medication must be removed from the premises.
- DCF 251.07 (6) (i) 6. and 7. **Soap and water based wet wipes may be used to wash hands when outdoors or on field trips in place of soap and running water. Disinfecting hand sanitizers may not replace the use of soap and water for washing hands.**

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(6) HEALTH.

(f) Medications.

5. All medication for a child in care shall be administered by the center as directed on the label and as authorized by the parent.
6. No medication intended for use by a child in the care of the center may be kept at the center without a current medication administration authorization from the parent.

(i) Personal cleanliness.

6. If running water is not immediately available when outdoors or on field trips, soap and water-based wet wipes may be used. When running water becomes available, hands must be washed immediately with soap and running water.
7. Disinfecting hand sanitizers may not replace the use of soap and water when washing hands.

Transportation

- DCF 251.08 (3) (b) and (c) **Driving records must be obtained annually for any driver of a center-provided vehicle. Driving records must be reviewed by the licensee and kept on file. A driver whose record poses a threat to the children may not transport children.**
- DCF 251.08 (4) (b) **Child Car Safety Seat requirements added to the rule.**
- DCF 251.08 (5) (e) **Licensee must implement a plan to ensure that all children exit the vehicle after transportation.**

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(3) DRIVER.

(b) The licensee shall obtain a copy annually of the driving record for each driver of a center-provided vehicle and shall place the record in the staff file. The licensee shall review each driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

c) A driver whose driving record poses a threat to the children may not transport children.

(4) VEHICLE.

(b) 1. Each child who is under 1 year of age or who weighs less than 20 pounds shall be properly restrained in a rear-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48 Stats.

2. Each child who is at least 1 year of age but less than 4 years of age or who weighs at least 20 pounds but less than 40 pounds shall be properly restrained in a forward-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48 Stats.

3. Each child who is at least 4 years of age but less than 8 years, weighing not more than 80 pounds or taller than 4 feet 9 inches shall be properly restrained in a shoulder-positioning child booster seat when being transported in a vehicle as specified in s. 347.48 Stats.

4. Each child who is not required to be transported in an individual child car safety seat or booster seat when being transported in a vehicle shall be properly restrained by a seat belt. Each adult in the vehicle shall be properly restrained by a seat belt. Seat belts may not be shared.

5. Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer's specifications.

(5) VEHICLE CAPACITY AND SUPERVISION.

(e) The center shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

Infant and Toddler Care School-age Care

- DCF 251.09 (4) (a) 5. Diaper disposal containers must be “hands free” instead of “foot-activated” as in current rule.
- DCF 251.095 (4) (a) 3. School-age children age 8 and above may be authorized to participate in center-sponsored activities in the child care center away from direct supervision of child care staff.
- DCF 251.095 (4) (a) 5. School-age children age 8 and above may move between groups if a tracking method is implemented.

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(4) DIAPERING AND TOILETING.

5. Place disposable soiled diapers and gloves, if used, in a plastic-lined, hands-free, covered container immediately.

HFS 46.095 Exceptions and additional requirements for care of school-age children.

(4) ADDITIONAL REQUIREMENTS FOR GROUP CHILD CARE CENTERS SERVING SCHOOL-AGE CHILDREN.

3. School-age children 8 years of age and older may be authorized by staff to participate in center-sponsored activities in the child care center away from direct supervision by center staff.

5. School-age children 8 years of age and older may move between groups if a tracking method is implemented to ensure that child care workers know the whereabouts of each child assigned to the worker's care.

Night Care

- DCF 251.10 (4) (c) Fire drills must be practiced during night care hours at least twice per year.

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HFS 46.10 Additional requirements for night care.

(4) PREVENTIVE MEASURES.

(c) Fire evacuation drills shall be practiced during night care hours at least 2 times per year.

For more information

- Contact your licensing specialist for assistance.
- Visit the Bureau of Early Care Regulation website at <http://dcf.wisconsin.gov/childcare/licensed/Index.HTM>